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ALEXANDRIA, VA 22314

In re Application of :
MERLE, Gilles et al. :
Application No.: 10/541,510 : DECISION ON
PCT No.: PCT/FR03/50202 :
Int. Filing Date: 22 December 2003 : PETITION UNDER
Priority Date: 24 December 2002 :
Attorney Docket No.: 274880US2PCT : 37 CFR 1.137(b)
For: METHOD AND SYSTEM FOR :
SECURING SCRAMBLED DATA :
:

This decision is in response to applicant's renewed petition to revive under 37 CFR 1.137(b) filed in the United States Patent and Trademark Office on 29 August 2006.

BACKGROUND

On 05 July 2006, the Office mailed Decision On Petition Under 37 CFR 1.137(b), dismissing applicants' petition without prejudice.

On 29 August 2006, applicants filed this renewed petition under 37 CFR 1.137(b), accompanied by a copy of the earlier 08 July 2005 submission and a date-stamped postcard receipt.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) the required reply, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995). Pursuant to 37 CFR 1.137(b)(3), additional information may be required where there is a question whether the delay was unintentional.

Items (2), (3) and (4) were previously satisfied. The basic national fee and petition fee have been paid. A terminal disclaimer is not required as the application was filed on or after 08 June 1995.

Item (1) has now been satisfied. Applicants have filed a copy of what applicants claim was submitted on 08 July 2005, namely a petition under 37 CFR 1.137(b) and a postcard receipt date stamped by the Office, listing the petition. The petition includes the required statement of unintentional delay. Though the copy submitted is unsigned, this 29 August 2006 submission is submitted by the counsel listed in the petition's signature block. It is accepted that counsel is ratifying the submission.

An oath or declaration in compliance with 37 CFR 1.497(a)-(b) and an English translation of the application have not yet been furnished.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being referred to the National Phase Processing Branch of the Office of PCT Operations for further action consistent with this decision, including mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and an English translation of the international application are required.

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